

PLANNING EVIDENCE

IN THE MATTER OF Proposed Te Tai o Poutini Plan (pTTPP)

AND

IN THE MATTER OF A hearing into the above pursuant to the Resource Management Act 1991

DATE OF HEARING 16 April 2024

**REVIEW OF RESOURCE MANAGEMENT AND PLANNING MATTERS
RELATED TO SUBMISSIONS AND FURTHER SUBMISSIONS OF
WESTPOWER LTD TO THE PROPOSED TE TAI O POUTINI PLAN**

TOPICS:

**Subdivision
Financial Contributions
Public Access**

Evidence of Martin Kennedy

1.0 INTRODUCTION

- 1.1 My name is Martin Kennedy and I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth.
- 1.2 I have been engaged by Westpower Limited to provide planning evidence in regard to resource management issues related to the Proposed Te Tai o Poutini Plan (*pTTPP*), and more particularly recommendations and amendments arising from the Section 42A Report relating to submissions and further submissions made by Westpower.
- 1.3 My role in this hearing process is to provide evidence on relevant resource management issues to assist the Commissioners in considering the matter.
- 1.4 This evidence specifically relates to the topics:
 - Subdivision
 - Financial Contributions
 - Public Access

2.0 SUBMITTER

- 2.1 The submitter is: Westpower Limited (*Westpower*)
- 2.2 Westpower is a community owned company undertaking activities related to the generation and distribution of electricity to the community. Westpower undertakes activities in all districts in the region. Westpower's ability to undertake its activities for the community is impacted by the provisions of the plan. When assessing the proposed plan activities have been considered under three broad categories (although all are interrelated);
 - the existing electricity network;
 - potential additions and extension to the network;
 - electricity generation activities.

3.0 WITNESS

- 3.1 As above I have been requested by the submitter to present evidence on the resource management issues relating to certain matters which were the subject of submissions and further submissions to the *pTTPP*.

- 3.2 I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth. Prior to that, I was Manager of the Environmental Services Department of the Grey District Council based in Greymouth. Before that I was District Planner at the same Council. I have 33 years Resource Management and Planning experience. I have experience in all aspects of implementation of the Resource Management Act (from a consent authority, applicant and submitter perspective) including: Resource Consent Applications (processing, development and submissions), environmental effects assessments; notification and processing decisions; and District Plan development, implementation and associated processes. I also assist submitters with submissions and involvement in National, Regional and District Policy and Plan development processes under the Resource Management Act.
- 3.3 I have had specific experience with the development, implementation and interpretation of the Policies and Plans on the West Coast as a consultant to Councils, applicants and submitters.
- 3.4 I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).
- 3.5 I am a current full member of the New Zealand Planning Institute.
- 3.6 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note 2023 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

4.0 SCOPE OF EVIDENCE

- 4.1 Westpower Ltd made submissions to a number of provisions throughout the pTTPP, and later in the process further submissions. There have been no pre-hearing processes since the lodging of submissions and further submissions.

- 4.2 For the purpose of this evidence the current pTTPP document is used as the base for assessment and opinions, with reference to the Section 42A Report (*the s42A Report*).
- 4.3 I note *Section 3.3* of the s42A Report discusses the linkage between the matters before the hearing panel and the *Strategic Directions* chapter of the pTTPP. I note that the outcomes of the hearing process in regard to that chapter are not known as yet so presume the report is relying on the chapter as notified. The s42A Report notes two strategic directions, *MIN-04* and *UFD-01*, as being relevant but in my opinion strategic directions related to *critical infrastructure* (now proposed to be *RSI*) would also be relevant. Based on the directions as notified this would include at least *CR-02*, but other *CR* directions would also be relevant dependent on the issues/matters being considered.
- 4.4 Westpower Ltd, whilst retaining its submissions and further submissions, is in general agreement with those recommendations of the Section 42A Report where they result in the outcomes/decisions sought by Westpower. Westpower has sought my advice for the purposes of the hearing into the pTTPP and the matters arising which have not been accepted, or accepted in part, through the s42A Report.
- 4.5 It is not proposed to repeat all of the matters on which submissions were made by Westpower Ltd as they are before the Commissioners in the form of the original submission and further submissions, and the s42A Report. It is agreed that the report generally represents the matters raised in those submissions and further submissions, and those points of submission remain. There are some issues arising with submission points, including certain points which appear to have been omitted, and these are discussed below.
- 4.6 This evidence is therefore submitted for two purposes;
- To provide advice in regard to the recommended outcomes, in their current form, in the s42A Report in relation to the submissions and further submissions made by Westpower Ltd.
 - To provide further evidence in relation to matters arising from the s42A Report which require clarification and/or amendments.

4.7 This evidence covers the three topic areas and focuses on those recommendations where the s42A Report does not support the submissions and further submissions of Westpower Ltd, or where issues have been identified with the report.

5.0 CONCLUSION

5.1 Whilst there is some agreement on the outcomes arising from a range of submissions and further submissions there are a number of points that in my opinion require further consideration and inclusion in the TTPP.

5.2 Rather than summarise the broad range of matters here Sections 7 and 8 below discuss those matters where submission points have been either accepted or rejected by the s42A Report and my opinions in regard to those matters.

5.3 I have also included in Sections 7 and 8 comments regarding submissions “*accepted in part*” by the s42A Report.

5.4 There appears to be some submission points omitted from the s42A Report and recommendations and it is not possible to comment further on those matters at this time.

6.0 STRUCTURE OF EVIDENCE

6.1 To assist with this evidence the following sections are provided;

- a. Recommendations on Submissions and Further Submissions (Section 7.0)
supported
- b. Amendments Required (Section 8.0)
- c. Part II of the Resource Management Act 1991 (Section 9.0)

6.2 To assist with this evidence, summaries of the s42A Report recommendations are attached as Appendix 1 below. These appendices will be referred to where required for ease of cross reference rather than repetition of information.

7.0 RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS

7.1 Having reviewed the Section 42A Report and appendices, which are understood to reflect the recommendations of that report, Westpower have advised that

those recommendations accepting its submissions and further submissions are supported. This is with the exception of those matters discussed below, particularly in relation to matters where a submission or further submission has been “*accepted in part*”.

7.2 I have reviewed those matters and generally support the recommendations to accept those submission points made by Westpower. I provide no further evidence in regard to those matters at this stage. I will be available to answer any questions should those matters recommended to be accepted in the s42A Report remain in contention at the hearing. For clarity these recommendations are shown in Appendix 1 (pages 1-2), Appendix 2 (pages 1-2) attached to this evidence, as submissions and further submissions “*accepted*”.

Submission Points Omitted

7.3 Westpower made submissions in regard to,

- SUB-R7/ECO-R4 (S547.367)
- SUB-R9/ECO-R6 (S547.375-377)
- SUB-R11 (S547.380-381)
- SUB-R12 (S547.383)
- SUB-R13 (S547.384-386)

It is understood that consideration of the submissions on rules SUB-R7 & R9 may have been transferred to the later Ecosystems and Indigenous Biodiversity hearing and an opportunity will be available to provide evidence at that time. It is unclear how the remaining matters are proposed to be dealt with through the process and what further opportunity for input is to be provided in regard to those matters.

8.0 AMENDMENTS REQUIRED

8.1 There are matters which require further amendment in regard to the current pTTPP document and arising in the s42A Report. For the purpose of this evidence, and the hearing, the matters discussed relate to issues associated with energy activities.

8.2 For the purpose of cross reference to the s42A Reports the headings used in that report are repeated here when discussing specific submission points.

Subdivision

Subdivision – Overview (pages 18-19 – s42A Report)

S547.342 (Appendix 1, page 2)

8.3 The s42A Report recommends “*rejecting*” the submission on the grounds that “*the SUB Overview text recognises impacts on adjacent sites and future use of land generally, and does not identify specific activities.*”. The submission sought to include these matters in the overview to recognise that subdivision can impact both existing and proposed electricity infrastructure, including the provisions of services. This may also be on the site itself. It is noted that the overview refers to transport matters but makes no other comment regarding servicing. The need to integrate subdivision, development and infrastructure is highlighted in the RPS (Chapter 5, Objective 2/Policy 2 and Chapter 6, Policy 8). Chapter 6 (page 21) also notes that strategically integrating infrastructure and land use is a significant issue in relation to RSI for the West Coast. It is understood that this concept of integration has been accepted in regard to the energy activities chapter of the TPP and provisions have also been proposed to protect energy infrastructure from certain activities. In my opinion this is a relevant component of subdivision that is not currently provided for. The overview should be reworded,

*Subdivision is the process of ... but it also impacts on adjacent sites and the future use of land, **including energy activities and infrastructure and the provision of services.** Subdivision affects the natural ...*

Subdivision – Objective 2 (pages 21-24 – s42A Report)

S547.343 (Appendix 1, page 3), S547.344 (Appendix 1, page 3)

8.4 The s42A Report recommends “*rejecting*” the submissions on the grounds that “*a number of key energy activities are captured within the definition of ‘infrastructure’, ‘critical infrastructure’, and ‘regionally significant infrastructure’.*”. Having reviewed the proposed amendments to Objective 2 I note that there is no reference to “*regionally significant infrastructure*” (RSI) although I do note the footnote at page 23 of the s42A Report. Provided the reference in clause “b” is amended to refer to RSI I would accept the recommendations in this regard. Objective 2.b. should be reworded,

Subdivision occurs in locations and at a rate that:

a. Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan;

- b. *Facilitates the safe and efficient operation of ~~critical infrastructure~~ regionally significant infrastructure;*
- c.;

Subdivision – Objective 6 (pages 28-29 – s42A Report)

S547.345 (Appendix 1, page 1)

8.5 The s42A Report recommends “*accepting in part*” the submission on the grounds that “*it may not always be an individual subdivision that directly creates the requirement for additional open space*” and further “*there may be an open space shortfall identified within an area generally, that could be wholly or partially met by creating open space within a subdivision.*”. I understand the potential amendment proposed in the s42A Report but have some reservations regarding how “*appropriate*” would be determined in the absence of an identified need (including how such need has been identified). I also appreciate that Objective 6 is related to all subdivision and the submission of Westpower is in relation to subdivisions for infrastructure/network utility purposes. In my opinion there are two options to resolve the matter either,

1. Rewording the Objective 6 as sought,

Where subdivision occurs ... need for open space created by the subdivision.

or

2. Specifically providing an exception for subdivisions for identified purposes.

Objective 6 should be reworded,

Where subdivision occurs, sufficient and appropriate provision is made for the additional community need for open space. Provision of such space shall not be required in the case of a subdivision for infrastructure/network utility purposes.

Subdivision – Policy 1 (pages 31-35 – s42A Report)

S547.346 (Appendix 1, page 1)

8.6 The s42A Report recommends “*accepting in part*” the submission on the grounds that provision of services is provided for through Policy 2 and is not required to be duplicated in this policy. The Report does accept the outcome sought of inclusion of a new clause “*f*”, ie “*Protects the safe and efficient operation and maintenance of infrastructure*”. Provided that amendment is made I would agree with the recommendation of the s42A Report in regard to this matter.

Subdivision – Policy 2 (pages 35-41 – s42A Report)

S547.347 (Appendix 1, page 3)

8.7 The s42A Report recommends “*rejecting*” the submission on the grounds that energy activities are included within the definitions of “*infrastructure*” and “*regionally significant infrastructure*” and, in the case of above ground electricity lines in the Industrial Zone these should be considered on a case by case basis. I understand the assessment that the definition of infrastructure includes “*energy activities*” although I do retain concerns at the use of multiple terms for the same activity, particularly as there has been a move by the reporting officers not to use the term “*energy activity*” as originally proposed in the plan. I note that there is no reference to “*regionally significant infrastructure*” in the policy and do consider that would be an alternative resolution to the matter. With respect to the location of electricity lines in the Industrial Zone, I note that the “*Energy Activities*” Chapter provides that Industrial Zones are the only zones within which substations (zone) are permitted. I have discussed the issue of above and below ground lines in previous hearings and my opinion remains as per my previous comments and evidence which, with the exception of the issue of Industrial Zones, are generally consistent with the requirement in SUB-P2.n. In my opinion it is important to integrate such matters across the plan in terms of outcomes sought. I also note that the proposal is not inconsistent with the current planning regime across the region or proposed ENG-R4 as notified in the pTTPP. Amend SUB-P2.n.ii,

n. In all RESZ - Residential, INZ - Industrial and CMUZ - Commercial and Mixed Use Zones requiring:

i.;

ii. Underground reticulation of services. With the exception that electricity infrastructure in the INZ-Industrial Zone can be located above ground;

iii.;

FS222.067 (Appendix 1, page 4)

8.8 Whilst not discussing this further submission the s42A Report in accepting the base submission (shown variously as *S558.185* or *S558.184*) essentially recommends “*rejecting*” the further submission. Having read the reasoning I understand that the initial wording could be considered arbitrary and that there should be an ability to consider and provide for alternatives where appropriate. In my view the original wording was seeking the ability for the Council to assess these alternatives as the opportunity to coordinate services post the

subdivision process is more difficult and it should be clear that it is the Council that makes the final determination as to whether a proposal is “appropriate”. In my opinion there is merit in ensuring the Council can determine these matters, which would appear to have been the outcome sought in *Policy 2.k.* as notified and wording in that regard should be clearly retained.

Subdivision – Policy 5 (pages 42-44 – s42A Report)

S547.353 (Appendix 1, page 3)

8.9 The s42A Report recommends “rejecting” the submission on the grounds that “the protection of infrastructure is sufficiently provided for under SUB-P5”. In reviewing SUB-P5 in my view the matters sought in the submission are not provided for in the proposed clauses. Clause “c” currently relates to the ability to provide infrastructure but not to issues around the potential effect on existing infrastructure. As an example I note that “operational” matters are provided for in terms of transport through clause “a”. I consider that the additional wording sought in the submission assists in achieving the outcome sought in the policy, particularly where there is no “structure plan” in place. SUB-P5.c should be reworded,

- c. The efficient provision, access to, operation maintenance, repair, upgrade or extension of infrastructure being compromised;

Subdivision – Rule 1 (pages 60-64 – s42A Report)

S547.355 (Appendix 1, page 3)

8.10 The s42A Report recommends “rejecting” the submission on the grounds that a boundary adjustment will not prevent the ability to access existing infrastructure and that the wording of the outcome sought presents difficulties in terms of a permitted rule. In my view there is potential for boundary adjustments to raise access issues dependent on the proposed layout of adjusted boundaries. The rule does provide for access and Council services but does not consider other infrastructure, in this case electricity infrastructure. Having reviewed the wording sought I accept it is broad in nature and could be refined to ensure that the ability to access electricity infrastructure is maintained. SUB-R1 should be amended by adding a new 6.,

- 6. The ability to access electricity infrastructure is maintained.

Subdivision – Rule 3 (pages 65-72 – s42A Report)

S547.360 (Appendix 1, page 1)

8.11 The s42A Report recommends “accepting in part” the submission with a minor amendment to refer to “*infrastructure*” collectively. I have reviewed the proposed amendment and generally agree with it but do note that it omits reference to “*maintenance*” of infrastructure. In my opinion that is a relevant matter to include in the rule. Accordingly I agree with the recommendation subject to a minor rewording of proposed “g”,

g. The ability to access, operate, maintain or upgrade existing infrastructure activities, is retained.

Subdivision – Rule 6 (pages 65-72 – s42A Report)

S547.365 (Appendix 1, page 4)

8.12 The s42A Report summary of recommendations notes that the submission be “*rejected*”. Having reviewed the report (paragraphs 271 and 275) it is apparent that the intent is that the submissions be “*accepted in part*” through a reference in proposed matter of control “n” to “*regionally significant infrastructure*” and an additional matter “p” regarding the provision of easements. Provided those suggested amendments are adopted I would agree with these outcomes.

Subdivision – Rule 8 (pages 65-72 – s42A Report)

S547.370 (Appendix 1, page 2)

8.13 The s42A Report recommends “accepting in part” the submission. I have reviewed the recommended amendments and would agree with them. I do note a formatting difference between the provisions, particularly clause “1.iii”, shown in the s42A Report (page 99) and Appendix 1 – Recommended Provisions (page 14). Provided the amendment is as shown in Appendix 1 I agree with that change.

Subdivision – Rule 10 (pages 100-104 – s42A Report)

S547.378 (Appendix 1, page 4)

8.14 The s42A Report recommends “*rejecting*” the submission on the grounds that management of potential reverse sensitivity is more appropriately provided for through zone provisions. I note that rules related to the “*Significant Distribution Lines*” are contained in the *Energy Activities* chapter and whilst Westpower had submitted that such rules should be located within the zone provisions this has been recommended to be rejected by the reporting officer

when that matter was heard. Further I note that this rule is for a restricted discretionary activity and is the follow on from non-compliance with Rule *SUB-R5* (a *controlled activity*). I note that matter of control “*p*” in *SUB-R5* is the same as that sought through the Westpower submission as being a matter of discretion, given that such matters are to be limited for consideration. In my opinion the management of potential reverse sensitivity is a relevant matter where discretion is to be limited, particularly as it is a matter of control in rules *SUB-R5(p)*, *R6(m)*, *R8(o)* and *R12(j)* as set out in the report and recommended provisions. Accordingly, in my opinion, a new matter of discretion “*m*” should be inserted,

m. Management of potential reverse sensitivity effects on existing land uses, including regionally significant infrastructure, rural activities or significant hazardous facilities

Subdivision – Standard 7 (pages 126-129 – s42A Report)

S547.388 (Appendix 1, page 2)

8.15 The s42A Report recommends “*accepting in part*” the submission regarding the three outcomes sought. Having reviewed the recommended amendments I accept the proposed wording in regard to easements, ie *SUB S7(3)*. Whilst I acknowledge the proposed amendment to *Clause 2*, ie the more directive “*will*”, the original submission sought the deletion of the sentence as it indicates such consultation will only occur where more than 15 Lots are created. This change was sought in association with an amendment to add a new clause 4 requiring consultation with the electricity network operator to ensure electricity matters were appropriately provided for through the subdivision process. This has been a long standing procedure in particularly the Grey District, has also been utilised in the Westland District, and has worked to ensure the coordination of subdivision and servicing matters. Westpower is concerned at the potential loss of a process, developed and implemented as a result of servicing issues arising, that benefits all parties in ensuring coordinated and integrated servicing of subdivision and development. Having experience with these matters I agree that it is a useful mechanism for ensuring the coordination of electricity supply matters and I consider that it should be provided for in the plan. In my opinion the second sentence of clause 2 should be removed and the proposed new clause 4 inserted,

2. *At the time of subdivision, sufficient land for transformers and any associated ancillary services must be set aside. ~~For a subdivision that creates more than 15 lots, consultation with energy network utility operators will be required.~~*
4. *At the time of subdivision the applicant shall supply written confirmation from the energy network utility operator that electricity can be provided to the subdivision and that appropriate easements are proposed to ensure the ongoing ability to access, operate, maintain and upgrade existing and proposed electricity infrastructure. At the time of completion of the subdivision certification shall be provided from the energy network utility operator that electricity is available at the boundary of each newly created lot and the required easements have been granted and reserved on the survey plan.*

Financial Contributions

Financial Contributions – Objective 2 (pages 146-147 – s42A Report)

S547.334 (Appendix 2, page 2)

8.16 The s42A Report recommends “*rejecting*” the submission on the grounds that the proposed use of the term “*manage*” encompasses the appropriate mechanisms including offsetting and compensation. Having reviewed the proposed amendment to *Objective 2* contained in the s42A report (page 147) I accept that outcome.

Financial Contributions – Policy 6 (pages 154-156 – s42A Report)

S547.335 (Appendix 2, page 1)

8.17 The s42A Report recommends “*accepting in part*” the submission on the grounds that whilst the policy is to be retained it has been amended as a result of other submissions. Having reviewed the recommended amendments I am in general agreement with the proposal, with the exception of proposed “*b.*”. My understanding is that the hearing panel have postponed consideration of indigenous biodiversity matters until such time as it is known what changes are to occur as proposed by the current government. Presumably this could result in amendments to wording of provisions such as that proposed and accordingly should be considered holistically to allow parties to have appropriate input. If “*b.*” were to be retained then it should be reworded given that the proposed amendment includes clarification that the contributions are to address “*residual*” effects. Reword proposed *b.*,

- b. Significant indigenous biodiversity where ~~these cannot be avoided, minimised, or remedied and~~ the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and regionally significant infrastructure.*

Financial Contributions – Policy 7 (pages 157-158 – s42A Report)

S547.336 (Appendix 2, page 2)

8.18 The s42A Report recommends “*rejecting*” the submission to retain the policy as notified on the grounds that it is not necessary to consider the benefits of the proposed activity when considering the level of any financial contribution. Presumably the plan’s developers considered that such considerations were appropriate. I note that the RPS (*Chapter 6, Policy 5*) requires that, with respect to RSI, “*decisions-makers must have regard to any offsets or compensation proposed which benefit the natural environment or the community affected*”. In my opinion proposed Policy 7, in part, gave effect to the RPS in this regard. I also note that there may be instances where a decision maker and/or the Council may wish to consider the benefits of a proposal when calculating the level of any financial contribution if it could assist in achieving a positive environmental outcome, for example related to the management of heritage buildings. In my opinion the policy should be retained as notified.

Financial Contributions – Rule 1 (pages 158-163 – s42A Report)

FS222.044 (Appendix 2, page 2), S547.337 (Appendix 2, page 1)

8.19 The s42A Report recommends “*rejecting*” the further submission (*FS222.044*) and “*accepting*” the submission (*S547.337*). I have reviewed the proposed amendments and disagree with the proposal to make the imposition of a financial contribution mandatory, ie change from “*may*” to “*shall*”. In my opinion there is a need for decisions makers to consider whether it is appropriate or required in the circumstances to impose a financial contribution. It may not be appropriate or required in every instance to provide offsetting or compensation and this will depend on the circumstances at the time, which was the wording sought in the submission of Westpower (ie *where relevant*). Given the potential highly regulatory nature of management of electricity supply under the TTPP this could result in significant additional costs for the provision of this RSI whilst that provision will assist in achieving other environmental outcomes sought through the supply of renewable energy. This includes a reduction in the reliance on the use of non-renewable energy. I also note that it is recommended to remove proposed clause “*i.*” on the grounds that financial contributions cannot generally be applied to effects. Whilst I agree that the payment of a fee should not be seen as avoiding, remedying or mitigating effects there may be

instances where a contribution can achieve these outcomes. I note that *Policy 5 of Chapter 6* of the RPS is not limited to biodiversity alone and while it could be considered that this is provided for under clause “ii.” there is some benefit in retaining the provision. I note that proposed “ii.” is to be amended to include an addition requirement to “*minimise*” effects. I disagree with that recommended amendment as this potentially creates an additional requirement and is inconsistent with the provisions of the RPS (*Chapter 6, Policy 5 and Chapter 7, Policies 3-5*) which are based on actions to “*avoid, remedy or mitigate*” effects. In my opinion Rule 1 should be reworded (all other recommended wording to be as set out in Appendix 1 to the s42A Report),

1. A condition ~~shall~~ may be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes:

- i. ***The management of potential adverse effects arising from the activity;***
- ii. Securing any proposed environmental offsetting or compensation where relevant to any residual adverse effects of the subdivision, use or development that cannot be avoided, ~~minimised,~~ remedied or otherwise mitigated;

...

Financial Contributions – Rule 2 (pages 163-166 – s42A Report)

S547.338 (*Appendix 2, page 1*)

8.20 The s42A Report recommends “*accepting in part*” the submission with a recommended amendment setting out that the timing of when a financial contribution is payable is to be included in any land use consent conditions. Provided the amendment is as set out in *Appendix 1* to the s42A Report I would agree with that outcome.

Financial Contributions – Rule 12 (pages 182-185 – s42A Report)

S547.340 (*Appendix 2, page 2*), S547.341 (*Appendix 2, page 1*)

8.21 The s42A Report recommends “*rejecting*” submission S547.340 and “*accepting in part*” submission S547.341. S547.340 is recommended to be “*rejected*” on the ground that the RPS and proposed *FC-P6* set out the instances where such actions are undertaken, and these are limited to certain categories of effect. I disagree with that assessment with respect to RSI matters as it is clear from the RPS (*Chapter 6, Policy 5*) that “*decisions-makers must have regard to any offsets or compensation proposed which benefit the natural environment or the community affected.*”, where *Policies 3-5* of Chapter 6 enable consideration of offsetting or compensation. In both instances such actions are where effects

have not been “*avoided, remedied or mitigated*”. I also note that *s104(1)(ab)* of the Act provides that “*any measure proposed or agreed to by the applicant*” be had regard to. In my opinion the rule heading should refer to proposed offsetting or compensation as sought in the submission. *S547.341* is recommended to be “*accepted in part*” on the grounds that works are not included in financial contributions under *s108* of the RMA. I note that the submission sought reference to money or land as well although land is not included in the final wording. I also note that it is proposed to change the quantum of the financial contribution from a “*maximum*” to a “*minimum*”. I disagree with that amendment as this would indicate a contribution greater than the amount required could be imposed, although no detail has been provided as to how a greater amount is to be determined. I also note, as discussed under Rule 1 above, that the term “*minimised*” is recommended to be included. I disagree with that amendment for the same reasons as discussed above. In my opinion Rule FC-R12 should be reworded,

Financial Contribution for Proposed Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values

1. The ~~*maximum*~~ ~~*minimum*~~ financial contribution for offsetting or compensation for residual adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna will be the amount of money and/or land needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, ~~*minimised*~~, remedied or mitigated as assessed through the consent process.
2. ...

Public Access

Public Access – Objective 1 (pages 189-191 – s42A Report)

S547.308 (Appendix 3, page 1)

8.22 The *s42A* Report recommends “*rejecting*” the submission on the grounds that, whilst consistent with the RPS, it does not recognise public access as a matter of national importance or give effect to the NZCPS. I disagree with that assessment as the RPS was developed to give effect to both the Act and the NZCPS in the context of the West Coast. The RPS (*Chapter 4, page 16, paragraph 7*) advises with respect to *Policy 4(b)* that “*it is important that public access to these natural environments is maintained where possible (except, for example, where it is unsafe) so that people and communities can provide for their wellbeing.*”. In my opinion the wording of the proposed Objective is

inconsistent with the outcomes sought in the RPS. I note further that the s42A Report considers that *NC-P5* and *SUB-P9* promote economic, social and cultural wellbeing of people and communities. I note that *SUB-P9* relates to the setting aside of esplanade resources under certain circumstances and would be consistent with the wording sought in the submission but does not fully give effect to the wording sought. I further note that *NC-P5* relates to consideration of instances where there may be a reduction in public access and is subject to submissions from Westpower with respect to those circumstances, including any need to control access for safety purposes. This is consistent with the policy intent of the RPS as set out. In my opinion the wording sought in the submission is appropriate and should be included,

The maintenance and enhancement of customary and public access to and along the coastal marine area, waterbodies and public resources where it contributes to the economic, social and cultural wellbeing of people and communities is promoted.

9.0 PART II OF THE ACT

- 9.1 Part 2 of the Act, and more particularly Section 5, requires an assessment of the proposal and its ability to achieve the Acts overriding principal of sustainable management to be undertaken.
- 9.2 It is my opinion that the amendments suggested above will assist in ensuring the TTPP achieves the purpose and principals of the Act for the reasons discussed above.

**Martin Kennedy
Planning Consultant
(West Coast Planning Ltd)**

15 March 2024

Appendix 1: Summary of S42A Recommendations – Subdivision

Submissions & Further Submissions Accepted

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.345	Westpower Limited	SUB - O6	Amend	Amend: Where subdivision ... need for open space <u>created by the subdivision.</u>	Accept In Part
S547.346	Westpower Limited	SUB - P1	Amend	Add <u>f. Can be appropriately serviced and does not adversely affect the operation and maintenance of critical infrastructure, including energy activities.</u>	Accept In Part
S547.354	Westpower Limited	SUB - P6	Amend	Amend item d. Where this could <u>create reverse</u> significant sensitivity issues ... or Energy Activities;	Accept
S547.356	Westpower Limited	SUB – R1	Amend	Clarify whether this rule is intended to apply to overlays.	Accept
S547.357	Westpower Limited	SUB – R2		Amend 2. Any existing buildings ... Activity standards, <u>or the requirements of any land use consent.</u>	Accept In Part
S541.359	Westpower Limited	SUB – R3	Amend	Amend f. <u>Management of adverse effects</u> on natural features ...".	Accept
S547.360	Westpower Limited	SUB – R3	Amend	Add <u>g. The ability to access, operate, maintain or upgrade existing energy activities, including associated infrastructure is retained.</u>	Accept In Part
S547.361	Westpower Limited	SUB - R4	Amend	Amend a. The size, design and layout of allotments for the purpose of network utilities and <u>critical infrastructure, including energy activities and infrastructure,</u> reserves or access;	Accept In Part
S547.362	Westpower Limited	SUB - R4	Amend	Amend c. <u>Management of adverse effects</u> on natural features and landforms ..	Accept
S547.364	Westpower Limited	SUB – R5	Amend	Amend Matter of Control p. Management of potential ..., including network utilities <u>and critical infrastructure (including energy activities),</u> rural ...	Accept In Part
S547.379	Westpower Limited	SUB – R10	Amend	Add <u>k. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.</u>	Accept In Part

S547.387	Westpower Limited	SUB – R18	Amend	Review 1. and amend if required in terms of cross reference to SUBR18 potentially needing amendment to SUB-R17.	Accept
S547.388	Westpower Limited	SUB – S7	Amend	(1) Delete the second sentence of item 2.	Accept In Part
S547.391	Westpower Limited	SUB – S10	Amend	Amend 1.a. Public works and network utility services and infrastructure (including energy activities);	Accept In Part
S547.393	Westpower Limited	SUB – S10	Amend	Amend 2.iv. Other network utilities and critical infrastructure.	Accept In Part
S547.370	Westpower Limited	SUB – R8	Oppose	<p>(1) Amend permitted standard 8,iii., "iii. Could accommodate ... for the Zone it is located in and rules in the Energy Chapter regarding Significant Electricity Distribution Lines.".</p> <p>(2) Amend permitted standard 10., "10. Written documentation is provided ... occurred with the relevant Electricity Transmission or Distribution Operator including any response ...".</p> <p>(3) Amend item i., "i. Management of reverse ... national grid and any Significant Electricity Distribution Line.".</p> <p>(4) Amend item m., "m. Management of potential ..., including network utilities and critical infrastructure (including energy activities), rural ...".</p> <p>(5) Add a new item g., "g. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.".</p>	Accept In Part

Submissions & Further Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.342	Westpower limited	Overview	Amend	Amend paragraph 1: Subdivision is the process of ... but it also impacts on adjacent sites and the future use of land, including energy activities and infrastructure and the provision of services.	Reject

				Subdivision affects the natural	
S547.343	Westpower Limited	SUB - O2	Amend	Amend a. Is supported by the capacity of existing energy and infrastructure networks ... or provides for energy and infrastructure activities, facilities and networks that area sufficient to accommodate growth ...;"	Reject
S547.344	Westpower Limited	SUB - O2	Amend	Amend b. Facilitates, maintains and provides for, and does not adversely impact, the operation and maintenance of critical infrastructure, including energy activities;	Reject
S547.347	Westpower Limited	SUB - P2	Amend	(1) Amend the first paragraph, "Ensure subdivision is appropriately serviced ... or planned infrastructure and energy activities in an efficient, integrated and coordinated ...". (2) Amend item a., "a. Infrastructure and energy activity networks have sufficient ...;" (3) Amend item n.ii., "ii. Underground reticulation of services. This is with the exception that electricity activities and infrastructure in the INZ-Industrial zone can be above ground; ".	Reject
S547.351	Westpower Limited	SUB - P3	Amend	Review to see whether item a is required and delete if a duplication of b.	Reject
S547.352	Westpower Limited	SUB – P5	Amend	Amend item b. The need for significant ..., or other infrastructure, including energy activities , in advance of ...;	Reject
S547.353	Westpower Limited	SUB – P5	Amend	Amend c. The efficient provision, access to, operation, maintenance, repair, upgrade or extension of infrastructure and energy activities being compromised.	Reject
S547.355	Westpower Limited	SUB – R1	Amend	Add 6. The ability to access, operate, maintain and upgrade existing energy activities, including associated infrastructure is maintained.	Reject
S547.358	Westpower Limited	SUB – R3	Amend	Amend item 3.a. Comply with all permitted activity standards relevant to the zone or activity and any overlays and a building consent, where required , has been issued ...	Reject
S547.363	Westpower Limited	SUB – R5	Amend	Amend Matter of Control g. The provision of easements, including for both existing and proposed energy activities and associated	Reject

				<u>infrastructure.</u>	
S547.365	Westpower Limited	SUB – R6	Amend	(1) Amend item m., "m. Management of potential ..., including network utilities <u>and critical infrastructure (including energy activities)</u> , rural ...". (2) Add a new item n., "n. The provision of easements, <u>including for both existing and proposed energy activities and associated infrastructure.</u> ".	Reject
S547.378	Westpower Limited	SUB – R10	Amend	Add <u>I. Management of potential reverse sensitivity effects on existing land uses, including network utilities and critical infrastructure (including energy activities), rural activities or significant hazardous facilities.</u>	Reject
S547.392	Westpower Limited	SUB – S10	Amend	2.ii. Stormwater ..., water supply, <u>network utilities and infrastructure (including energy activities);</u>	Reject

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S558.185	Chris & Jan Coll	SUB - P2	Amend	Amend k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite where deemed reasonable by the Council;	Accept
FS222.067	Westpower Limited	SUB - P2	Oppose	Disallow	Reject

Appendix 2: Summary of S42A Recommendations – Financial Contributions

Submissions & Further Submissions Accepted

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.335	Westpower Limited	FC - P6	Support	Retain	Accept In Part
S547.337	Westpower Limited	FC - R1	Amend	Amend: ii. Securing <u>any proposed environmental offsetting or compensation where relevant</u> to residual adverse effects	Accept
S547.338	Westpower Limited	FC - R2	Amend	(1) Amend item 2, "2. Financial contributions ... contribution that is <u>already</u> required, or has already been paid ...". (2) Amend c.ii., "ii. In the case of land use, <u>prior to giving effect to or implementing the resource consent</u> at the time of issuing the consent;".	Accept In Part
S547.341	Westpower Limited	FC – R12	Amend	Amend 1: <u>The maximum financial contribution for offsetting or compensation for adverse effects will be the amount of money, land or works assessed as appropriate through the consent process in relation to adverse environmental effects that cannot be avoided, remedied or mitigated.</u>	Accept In Part

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
FS222.043	Westpower Limited	Financial Contribution Rules	Oppose	Disallow S181.022	Accept
FS222.0194	Westpower Limited	F C	Support	Not Stated	Accept In Part
FS222.0269	Westpower Limited	Financial Contributions	Oppose	Disallow S560.026	Accept In Part
FS222.0270	Westpower Limited	Financial	Oppose	Disallow S560.260	Accept In Part

		Contributions			
FS222.090	Westpower Limited	Overview	Oppose	Disallow S602.112	Accept In Part
FS222.044	Westpower Limited	FC - R1	Oppose	Disallow S181.020	Accept In Part

Submissions & Further Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.334	Westpower Limited	FC - O2	Amend	Amend: To ensure that ... remedying or mitigating adverse effects, including any proposed offsetting or compensation , on the environment	Reject
S547.336	Westpower Limited	FC - P7	Support	Retain	Reject
S547.340	Westpower Limited	FC - R12	Amend	Amend heading: Financial Contributions for Proposed Offsetting and Compensation ...	Reject

Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
FS222.042	Westpower Limited	Financial Contribution Rules	Oppose	Disallow S181.021	Reject

Appendix 3: Summary of S42A Recommendations – Public Access

Submissions Rejected

Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.308	Westpower Limited	PA - O1	Amend	Amend, <u>The maintenance and enhancement of customary and public access to and along the coastal marine area, waterbodies and public resources where it contributes to the economic, social and cultural wellbeing of people and communities is promoted.</u>	Reject